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1 a motor vehicle accident in this state or dies within four hours
2 after having been involved in a motor vehicle accident in this
3 state, the physician in attendance, or law-enforcement officer
4 having knowledge of such death, or the funeral director, or any
5 other person present when such death occurred, shall immediately
6 report such death to the medical examiner of the county in which
7 such death occurred. Upon receipt of such notice, the medical
8 examiner shall take charge of the dead body and shall conduct, or
9 shall cause to be conducted, within twelve hours after receiving
10 such notice and before the dead body is embalmed, a blood test to
11 determine the presence and percentage concentration of alcohol in
12 the blood of such dead body.

- (b) The blood test conducted on a dead body as required under this section shall be conducted only by a person qualified to conduct an autopsy under article twelve, chapter sixty-one of this code or by a doctor of medicine, doctor of osteopathy, registered nurse, trained medical technician at the place of his or her employment or county coroner who is deemed qualified by the office of medical examinations to conduct such blood test.
- 20 <u>(c)</u> Any person who is to conduct a blood test under the 21 provisions of this section is hereby expressly authorized to 22 withdraw blood from the dead body in the quantity necessary to 23 conduct such blood test. Any person withdrawing blood from the 24 dead body and testing such blood and any hospital or clinic in

- 1 which such blood is withdrawn and tested under the provisions of
- 2 this section shall be immune from all civil and criminal liability
- 3 which might otherwise be imposed.
- 4 (d) Any person conducting a blood test under the provisions of
- 5 this section shall receive a standardized fee in the amount
- 6 determined by the office of medical examinations, which fee shall
- 7 be paid from funds appropriated to the office of medical
- 8 examinations.
- 9 <u>(e)</u> Nothing contained in this section shall be construed to
- 10 preclude the taking of a blood test by any other person having the
- 11 right to take any such test or cause such test to be taken while
- 12 the medical examiner has charge of the body.
- 13 (f) In addition to the other provisions of this section, a
- 14 law-enforcement officer investigating an automobile accident
- 15 involving the death of any person shall immediately require any
- 16 surviving driver to submit to a preliminary breath analysis for the
- 17 purpose of determining such person's blood alcohol content. Such
- 18 breath analysis must be administered as soon as possible after the
- 19 law-enforcement officer has a reasonable belief that the person had
- 20 been driving when his or her automobile was involved in an accident
- 21 causing death.

NOTE: The purpose of this bill is to require a preliminary breath analysis for the purpose of determining the blood alcohol content of a surviving driver.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.